



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2204

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR Jmk

11092654544



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 10, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER  
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC for PC*  
CHIEF COMPLIANCE OFFICER

DEBBIE CHACON *DC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: *NR* NATALIYA IOFFE/SARI PICKERALL/IAN WANDNER *SR* *in*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 OCTOBER  
QUARTERLY REPORT (ELECTION SENSITIVE) FOR THE  
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2010.

Under the Administrative Fine Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Quarterly Report was an election-sensitive filing. The committees either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached report.

### **Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2010 OCTOBER QUARTERLY Election Sensitive 10/15/2010 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2197	C00483495	BOB TURNER FOR CONGRESS	TURNER, ROBERT L	KEVIN P. TURNER	\$863,690	0	10/22/2010	7	\$219,885	\$2,725
2198	C00382275	BUTLER SNOW POLITICAL ACTION COMMITTEE		LUCIEN BOURGEOIS	\$148,869	0	10/25/2010	10	\$15,693	\$250

2200	C00462929	COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS	VEREEN, RODERICK D	CHUCK MOGBO	\$190,936	1	10/28/2010	11	\$36,648	\$756
2201	C00355818	COUNCIL OF SCHOOL SUPERVISORS AND ADMINISTRATORS LOCAL 1		ANITA GOMEZ-PALACIO	\$123,952	1	12/2/2010	Not Filed	\$51,450	\$4,125
2202	C00442590	AFSA AFL-CIO EFFECTIVE LEADERSHIP PAC		DENISE PETERSON	\$135,339	0		Not Filed	\$49,347	\$1,400
2203	C00426172	EMPOWERING EACH COMMUNITY PAC		THOMAS A. GENTILE	\$138,977	0	10/22/2010	7	\$6,200	\$180
2204	C00426072	GIANT EAGLE INC PAC		MARK J. MINNAUGH	\$128,563	0	10/22/2010	7	\$17,000	\$220

2206	C00015594	LOUISVILLE & JEFFERSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE		COREY ALLEN KOELLNER	\$229,431	0	10/22/2010	7	\$9,490	\$180
2207	C00421008	METAL LATHERS LOCAL 46 PAC		ROBERT LEDWITH	\$194,795	3	11/19/2010	Not Filed	\$31,811	\$2,450
2208	C00254201	NATIONAL ASSOCIATION OF MORTGAGE BROKERS		ROY DELOACH	\$141,153	0	10/21/2010	6	\$11,551	\$210
2209	C00464305	TOWNE FOR CONGRESS	TOWNE, JAKE	JAKE TOWNE	\$100,782	0	10/22/2010	7	\$30,435	\$505
2210	C00381699	USINPAC		MILES C. HOGE	\$159,433	0		Not Filed	\$39,857	\$1,400
2211	C00165365	WACKENHUT CORPORATION POLITICAL ACTION COMM (WACKENHUT PAC)		JEFF CAPPELLETTI	\$115,931	0	10/22/2010	7	\$21,002	\$220

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2010 )  
October Quarterly Report (Election )  
Sensitive) For the Administrative Fine )  
Program: )

COMMITTEE TO ELECT RODERICK ) AF# 2200  
VEREEN FOR CONGRESS, and CHUCK )  
MOGBO as treasurer; )  
BUTLER SNOW POLITICAL ACTION ) AF# 2198  
COMMITTEE, and BOURGEOIS, )  
LUCIEN MR. as treasurer; )  
BOB TURNER FOR CONGRESS, and ) AF# 2197  
KEVIN P TURNER as treasurer; )  
EMPOWERING EACH COMMUNITY ) AF# 2203  
PAC, and THOMAS A GENTILE as )  
treasurer; )  
GIANT EAGLE INC PAC, and MARK J ) AF# 2204  
MINNAUGH as treasurer; )  
LOUISVILLE & JEFFERSON COUNTY ) AF# 2206  
REPUBLICAN EXECUTIVE )  
COMMITTEE, and KOELLNER, COREY )  
ALLEN MR. as treasurer; )  
TOWNE FOR CONGRESS, and JAKE ) AF# 2209  
TOWNE as treasurer; )  
WACKENHUT CORPORATION ) AF# 2211  
POLITICAL ACTION COMM )  
(WACKENHUT PAC), and JEFF )  
CAPPELLETTI as treasurer; )  
NATIONAL ASSOCIATION OF ) AF# 2208  
MORTGAGE BROKERS, and ROY )  
DELOACH as treasurer; )

COUNCIL OF SCHOOL SUPERVISORS ) AF# 2201  
AND ADMINISTRATORS LOCAL 1 )  
AFSA AFL-CIO, and GOMEZ- PALACIO, )  
ANITA as treasurer; )

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EFFECTIVE LEADERSHIP PAC, and ) AF# 2202  
DENIS PETERSON as treasurer; )  
METAL LATHERS LOCAL 46 PAC, and ) AF# 2207  
ROBERT LEDWITH as treasurer; )  
USINPAC, and HOGE, MILES C. MR. as ) AF# 2210  
treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 15, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 October Quarterly Report (Election Sensitive) For the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 10, 2010, on the following committees:

AF#2200 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS, and CHUCK MOGBO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2198 Decided by a vote of 6-0 to: (1) find reason to believe that BUTLER SNOW POLITICAL ACTION COMMITTEE, and BOURGEOIS, LUCIEN MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2197 Decided by a vote of 6-0 to: (1) find reason to believe that BOB TURNER FOR CONGRESS, and KEVIN P TURNER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2203 Decided by a vote of 6-0 to: (1) find reason to believe that EMPOWERING EACH COMMUNITY PAC, and THOMAS A GENTILE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2204 Decided by a vote of 6-0 to: (1) find reason to believe that GIANT EAGLE INC PAC, and MARK J MINNAUGH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2206 Decided by a vote of 6-0 to: (1) find reason to believe that LOUISVILLE & JEFFERSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE, and KOELLNER, COREY ALLEN MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2209 Decided by a vote of 6-0 to: (1) find reason to believe that TOWNE FOR CONGRESS, and JAKE TOWNE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2211 Decided by a vote of 6-0 to: (1) find reason to believe that WACKENHUT CORPORATION POLITICAL ACTION COMM (WACKENHUT PAC), and JEFF CAPPELLETTI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2208 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF MORTGAGE BROKERS, and ROY DELOACH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2201 Decided by a vote of 6-0 to: (1) find reason to believe that COUNCIL OF SCHOOL SUPERVISORS AND ADMINISTRATORS LOCAL 1 AFSA AFL-CIO, and GOMEZ- PALACIO, ANITA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2202 Decided by a vote of 6-0 to: (1) find reason to believe that EFFECTIVE LEADERSHIP PAC, and DENISE PETERSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2207 Decided by a vote of 6-0 to: (1) find reason to believe that METAL LATHERS LOCAL 46 PAC, and ROBERT LEDWITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2210 Decided by a vote of 6-0 to: (1) find reason to believe that USINTAC, and HOGE, MILES C. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 17, 2010  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 21, 2010

Mark J Minnaugh, in official capacity as Treasurer  
Giant Eagle Inc. PAC  
101 Kappa Drive  
Pittsburgh, PA 15238

C00426072  
AF#: 2204

Dear Mr. Minnaugh:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year during which there is a regularly scheduled election. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on October 22, 2010, 7 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On December 15, 2010, the FEC found that there is reason to believe ("RTB") that Giant Eagle Inc. PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 15th.

Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$220. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$220 is due within forty (40) days of the finding, or by January 24, 2011, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$17,000  
Number of Days Late: 7  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 24, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Giant Eagle Inc. PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

## **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Cynthia L. Bauerly", written in a cursive style.

Cynthia L. Bauerly  
Vice Chair

11092654554

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$220 for the 2010 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by January 24, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Giant Eagle Inc. PAC

FEC ID#: C00426072

AF#: 2204

PAYMENT DUE DATE: January 24, 2011

PAYMENT AMOUNT DUE: \$220



**Giant Eagle, Inc. Political Action Committee (GE PAC)**

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101 Kappa Drive, RIDC Park • Pittsburgh, Pennsylvania 15238  
Phone 412.963.3503

January 10, 2011

**Via Federal Express Overnight Delivery**

Federal Election Commission  
Office of Administrative Review  
999 E. Street NW  
Washington, DC 20463

Re: C00426072  
AF #2204 – Giant Eagle, Inc. PAC (Respondent)

Dear Sir:

This letter constitutes notification pursuant to 11 C.F.R. § 111.23 that Giant Eagle, Inc. PAC has designated the following counsel to represent it in relation to the above matter.

Darlene M. Nowak, Esquire  
Marcus & Shapira LLP  
301 Grant Street  
One Oxford Centre, 35<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 338-5214

This counsel is authorized to receive any and all notifications and other communications from the Commission on behalf of Respondent, Giant Eagle, Inc. PAC.

Very truly yours,

Mark J. Minnaugh, Treasurer  
Giant Eagle, Inc. PAC

MARCUS & SHAPIRA LLP 2011 JAN 19 A 10:55

ONE OXFORD CENTRE, 35<sup>TH</sup> FLOOR  
301 GRANT STREET  
PITTSBURGH, PENNSYLVANIA 15219-6401  
(412) 471-3490

Fax: (412) 391-8758

Darlene M. Nowak  
nowak@marcus-shapira.com  
(412) 338-5214

January 18, 2011

**Via Federal Express Overnight Delivery**

Federal Election Commission  
Office of Administrative Review  
999 E. Street NW  
Washington, DC 20463

Re: Giant Eagle, Inc. PAC, No. C00426072  
AF #2204

To the Reviewer and the Honorable Members of the Commission:

This letter and the accompanying affidavits shall constitute the written response of Giant Eagle, Inc. PAC ("GEPAC") under 11 C.F.R. § 111.35 to the Commission's finding of December 15, 2010 that there is reason to believe that GEPAC's Third October Quarterly Report of Receipts and Disbursements was filed seven days late and calculating a proposed penalty of \$220.00. This response is filed on behalf of GEPAC by its undersigned counsel, whom GEPAC has asked to represent it, pursuant to 11 C.F.R. § 111.23 and the accompanying Letter of Representation signed by Mr. Mark Minnaugh, Treasurer of GEPAC.

**I. Statement of Facts**

1. GEPAC is a political committee which files election and non-election year reports according to the schedule set out in 11 C.F.R. § 104.5(c)(1) and (2). One of these reports is the October (Third) Quarterly Report, which covers the period of July 1, 2010 to September 30, 2010. This report, if made on paper, must be filed with the FEC on or before the close of business on October 15, 2010, unless the filing is waived under those regulations. GEPAC filed the October Quarterly Report on paper.

2. As stated in the supporting Affidavit of Pamela Claffey, the October Quarterly Report was fully completed and signed by Treasurer Mark Minnaugh on October 11, 2010. According to the business practice of the PAC, it was put in an 9 x 12" envelope, properly addressed to Commission, and sufficient First Class U.S. Mail stamps were affixed.

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3. In accordance with Giant Eagle's business practice, the envelope was picked up from Mr. Minnaugh's office no later than 3:00 p.m. on October 11 and was taken to the Giant Eagle Mail Service Center in a nearby building.

4. Because October 11, 2010 was Columbus Day and therefore a Postal Service holiday, the mail was kept at the Mail Services Center overnight.

5. As shown in the attached Affidavit of Janet Mootsey, Supervisor of Mail Services for Giant Eagle, Inc., it is the regular business practice of Giant Eagle that all mail brought to the Mail Service Center is taken by a Giant Eagle courier to the United States Post Office branch in Blawnox, Pennsylvania (15238), where the courier places it on the loading dock. The mail is then taken from the loading dock and put directly on a U.S. Mail truck and taken to the General Mail Facility in Pittsburgh. The mail is processed and postmarked at that facility and transported from there to the next appropriate facility.

6. Since 2010 was a federal election year, GEPAC was also required to file a Pre-Election Report under 11 C.F.R. § 104.5(c)(1)(ii). This report, a copy of which is attached to the Affidavit of Pamela Claffey, covered the period of October 1, 2010 through October 13, 2010, since the July 1 to September 30, 2010 period had been covered by the Quarterly Report mailed on October 12, 2010. This Pre-Election Report was due no later than October 21, 2010. It was sent by overnight mail service, postmarked on October 20, 2010. This report was timely filed.

**II. The Alleged Violation**

1. The Commission's letter of December 21, 2010 states that the October Quarterly Report, sent by First Class U.S. Mail no later than October 12, 2010 and due at the FEC by close of business on October 15, 2010, was not received by the FEC until October 22 -- ten days after it was mailed and seven days after it was due.

2. The Commission takes the position that the alleged late filing was a violation of 2 U.S.C. § 434(a). This section states that a committee secretary shall file reports as required by § 434(a). First Class U.S. Mail is an appropriate method of delivery under § 434(a) and the regulations thereunder.

**III. Grounds for Challenging the Proposed Penalty**

**1. Error of Fact:**

a. First, GEPAC challenges the Commission's finding on the grounds that GEPAC was not required under the Commission's regulations to file the October Quarterly Report by October 15, 2010. Section 104.5(c)(1)(C) provides that:

**MARCUS & SHAPIRA LLP**

Federal Election Commission

January 18, 2011

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- (c) The requirement for a quarterly report shall be waived if under 11 C.F.R. 104.5(c)(1)(ii) a pre-election report is required to be filed during the period beginning on the fifth day after the close of the calendar quarter and ending on the fifteenth day after the close of the calendar quarter.

As stated above, a Pre-Election Report was due for the period ending October 13, 2010. Therefore, a Pre-Election Report was required to be filed beginning on October 14, 2010. October 14 falls between the fifth day after the close of the quarter (October 5) and the fifteenth day after the close of the quarter (October 15). The October Quarterly Report was therefore waived provided that the Commission received that information, plus the October 1 through 13 information, by October 21, 2010. The point of this regulation is obviously to avoid requiring a committee file two reports less than ten days apart and to avoid the situation where a committee has two reports due during all or part of the same overlapping period.

Accordingly, the information for the period of July 1 to September 30, 2010 was due on or before October 21, the due date for the Pre-Election Report. The Commission admits that it received such information on October 22. The Commission received the Pre-Election Report for the October 1-13, 2010 period on October 20, but there is no requirement in the statute or regulations that the disclosure cannot be made in two document filings rather than one. The point of this regulation is to assure that, in election years, the Commission receives full disclosure no later than the due date for the Pre-Election Report. To hold otherwise would exalt form over substance, and penalize GEPAC for late filing of information that was in fact timely received. Here, the information was late, if at all, only 1, not 7 days.

b. Second, GEPAC challenges the Commission's finding on the grounds that reasonable business experience and past filing experience strongly suggest that the Quarterly Report had to have arrived at the FEC before October 22, 2010 as a matter of fact. In no prior mailing has a properly stamped and addressed first class envelope taken ten days to get from Pittsburgh to Washington, D.C., particularly when the letter was taken directly to the Post Office loading dock. GEPAC respectfully suggests that the filing date for the Pre-Election Report (sent by overnight mail service on October 20, 2010) may have been mixed up with the filing date for the Quarterly Report or was misdirected within the Commission's offices. Due to the significant unlikelihood of so late a delivery, GEPAC challenges this finding in the Commission's records as an issue of fact and requests proof of the late delivery in any hearing or review of this matter.

2. Best Efforts:

a. Section 432(i) of Title 2, United States Code, provides that "When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with the Act[.]" This section applies to all



**MARCUS & SHAPIRA LLP**

Federal Election Commission

January 18, 2011

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requirements of § 432(a), including that of timely filing of reports found in § 432(a). This provision is repeated in 111 C.F.R. 104.7(a).

b. Section 111.35(b)(3) of 111 C.F.R. specifically provides that a committee may challenge the Commission's conclusion that a filing was late or that a penalty should be assessed if "the respondent was prevented from filing in a timely manner by reasonably unforeseen circumstances that were beyond the control of the respondent," and the respondent filed no later than 24 hours of the resolution of this problem. 111 C.F.R. § 111.35(b)(3). In this case, GEPAC acted reasonably in and with its best efforts to send the Quarterly Report in a timely manner by placing the same with the United States Postal Service at least three days before it was due, particularly in light of the other factors:

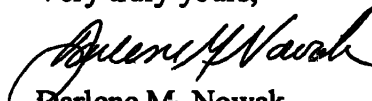
1. the envelope had proper postage;
2. the envelope was not returned;
3. the envelope was placed directly on the loading dock of the post office;
4. it was not known to be a particularly busy time of year for the mail;
5. bad weather was not expected or known to occur;
6. in three prior years of filing by U.S. Mail, there had never been any problem with timely filing when the mailing was made three days before the due date; and
7. FEC regulations permit the use of First Class U.S. Mail.
8. It is consistent with the intent of federal campaign financing law that a committee's funds be used for the benefit of candidates and not spent on expensive delivery services when cheaper means are available.

Further, the extraordinary delay of ten days for delivery of a simple first class envelope is prima facie evidence that there was an unforeseen problem with the mail and that this problem was outside the knowledge or control of GEPAC, nor could GEPAC do anything to resolve the Postal Service's problems which were unknown to it.

c. As stated in the first section, GEPAC complied with the intention of regulation 104.5(c)(i)(C) by submitting the Third Quarterly information and the Pro-Election information before the deadline for Pre-Election information as intended by the regulation. Therefore, GEPAC used best efforts to comply with the regulations.

WHEREFORE, Giant Eagle, Inc. PAC submits this response and the attached Affidavits to the reviewing officer in support of a recommendation and finding that Giant Eagle, Inc. PAC has not violated 2 U.S.C. § 432(a) or any regulation of the Commission.

Very truly yours,

  
Darlene M. Nowak

**MARCUS & SHAPIRA LLP**

**Federal Election Commission  
January 18, 2011  
Page 5**

**Encl.**

**Cc: M. Minnaugh  
R. Russell**

110092004001



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

January 19, 2011

Darlene M. Nowak, Esquire  
Marcus & Shapira LLP  
301 Grant Street  
One Oxford Centre, 35<sup>th</sup> Floor  
Pittsburgh, PA 15219

C00426072  
AF# 2204

Dear Ms. Nowak:

On January 19, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

**2011 JAN 20 A 11: 54**

**Date: January 19, 2011**

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2204**

**Committee Name: Giant Eagle, Inc. PAC**

**Committee ID#: C00426072**

**Committee Address (if different than in RTB letter): N/A**

**Treasurer Name (if different than in RTB finding): N/A**

**Attachments:**

**Copy of RTB Circulation Report, dated December 10, 2010 and RTB  
Certification, dated December 15, 2010 (Y/N): N**

**Attachment #: N/A**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**

**Attachment #: 1**

**Telecoms and Visitcoms in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2010 October Quarterly Report Prior Notice, dated September 21, 2010.**

**-RTB Letter, dated December 21, 2010.**

**Attachment #: 2**

**Other RAD Information: (Y/N): N**

**Attachment#: N/A**

50503692400



## Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number:** 1ZWF5860A297491567  
**Service:** NEXT DAY AIR  
**Special Instructions:** ADULT SIGNATURE REQUIRED  
**Shipped/Billed On:** 12/22/2010  
**Delivered On:** 12/23/2010 10:47 A.M.  
**Delivered To:** PITTSBURGH, PA, US  
**Signed By:** SHELLHAMMER

**Location:** RECEIVER

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 12/28/2010 4:45 P.M. ET

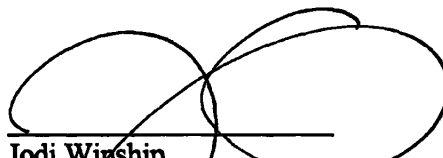
Attachment 1

## DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Giant Eagle, Inc. PAC:
  - A) Prior Notice, dated September 21, 2010, referencing the 2010 October Quarterly Report (sent via electronic mail to: gepactreasurer@gianteagle.com);
  - B) Reason-to-Believe Letter, dated December 21, 2010, referencing the 2010 October Quarterly Report.

I hereby certify that I have searched the Commission's public records and find that Giant Eagle, Inc. PAC filed the 2010 October Quarterly Report with the Commission on October 22, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 19th day of January, 2011.



Jodi Winship  
Acting Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission

11092654565



# OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES  
PARTIES AND PACS

September 21, 2010

## CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	09/30/10	10/15/10	10/15/10

## REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	CLOSE OF BOOKS	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General <sup>2</sup>	10/13/10	10/18/10	10/21/10
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

<sup>1</sup> A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup> Parties and PACs: required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

Congressional Committees: campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

## 2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. <sup>2</sup>

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.  
See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].



## PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election — even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The Record: January 2010 issue [PDF]
- Candidate Guide, pp. 79-80 [PDF]

## 48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
  - Senate campaigns (Secretary of the Senate): (202) 224-1851
  - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 80 [PDF]

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>3</sup>

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

### DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

### 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

### IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

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<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

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**FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100**

11097634569

## 2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2010. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

#### Paper Filing -- Meeting the Filing Deadline

Paper report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

### PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

### 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

### Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the covered period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]
- Campaign Guide: Party, pp. 143-149 [PDF]

## CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

## 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: 48- and 24-hour periods for independent expenditures for 2010 elections
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SECRET

2011 MAR 17 P 2:29

**SENSITIVE**

March 17, 2011

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2204 – Giant Eagle, Inc. PAC  
and Mark J. Minnaugh, in his official capacity as Treasurer (C00426072)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

110992654372



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 17, 2011

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2204 – Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer  
(C00426072)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$220 civil money penalty.

**Reason-to-Believe Background**

On December 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report and made a preliminary determination that the civil money penalty was \$220 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on December 21, 2010 to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). Reports sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by an overnight delivery service with an on-line tracking system must be postmarked or deposited with the mailing service no later than October 15 to be timely filed. Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely and complete filing of reports as well as the accuracy of the information they contain. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On January 19, 2011, the Commission received the written response ("challenge") from Counsel on behalf of the respondents. She asks that the Commission find that the respondents did not violate any regulation of the Commission. The challenge focuses on two main points:

- The respondents were not required to file the October Quarterly Report by October 15 in accordance with 11 C.F.R. § 104.5(c)(1)(i)(C); and
- The respondents acted reasonably and used their best efforts to send the report in a timely manner by mailing the report at least three days before its due date.

Included with the challenge are a Designation of Counsel letter signed by the Treasurer, the signed affidavit of Giant Eagle, Inc.'s mail services Supervisor, the signed affidavit of the

Treasurer's Executive Assistant, and copies of the October Quarterly and 12 Day Pre-General Reports.

### Analysis

The challenge contends that the respondents were not required to file the report by October 15 because the requirement for a quarterly report shall be waived if under 11 C.F.R. § 104.5(c)(1)(ii) a pre-election report is required to be filed during the period beginning on the fifth day after the close of the calendar quarter and ending on the fifteenth day after the close of the calendar quarter. 11 C.F.R. § 104.5(c)(1)(i)(C). Counsel specifically asserts that since a pre-election report was required to be filed beginning on October 14, which falls between the fifth and fifteenth day after the close of books for the October Quarterly Report, the October Quarterly Report was waived for the respondents, provided that activity occurring during the October Quarterly coverage dates and 12 Day Pre-General coverage dates was received at the Commission by the October 21 12 Pre-General Report due date.

The October Quarterly Report for the period ending September 30, was due on October 15. In this case, 11 C.F.R. § 104.5(c)(1)(i)(C) allows for the requirement to file 2010 October Quarterly Report to be waived if the 12 Day Pre-General Report is required to be filed between October 5 and October 15. The 2010 12 Day Pre-General Report due date was October 21. While committees could voluntarily choose to submit their report as early as October 14, following the October 13 close of books for the reporting period, the report was not *required* to be filed until October 21, six days after the waiver window. Therefore, the 2010 October Quarterly Report did not qualify for waiver under 11 C.F.R. § 104.5(c)(1)(i)(C), and the respondents were required to file the report by the October 15 filing deadline. The respondents were notified of this filing requirement on September 21, 2010, when the Commission sent the Prior Notice for the October Quarterly Report to "gepac@treasurer@gianteagle.com", the email address listed on their Statement of Organization.

Notwithstanding Counsel's contention that the respondents were not required to file the October Quarterly Report, the challenge also contends that the respondents used their best efforts to file the report timely by mailing it at least three days before the October 15 due date; however, the extraordinary delay of ten days for delivery was an unforeseen problem beyond the respondents' control. Affidavits from both the Treasurer's Executive Assistant and Giant Eagle Inc.'s mail services Supervisor explain the respondents' business practices in preparing and mailing their reports. The affidavits specifically indicate that the October Quarterly Report was prepared for first class mailing on October 11, and because this was a federal holiday, it was delivered to the post office on October 12.

The best efforts defense is a two-part test. The first part consists of the respondents demonstrating that they were prevented from filing on time by reasonably unforeseen circumstances that were beyond their control. With respect to this defense, the Commission states in its Explanation and Justification that the respondent bears the burden of showing that the reasonably unforeseen circumstances in fact prevented the timely and proper filing of the required report. The Commission has decided that this rule requires a strict causal relationship between the circumstances described in the challenge and the respondent's inability to timely file the report.

11092654575

The delivery of a report 10 days after it was mailed via first class mail does not constitute an unforeseen circumstance beyond the respondents' control, as they could have availed themselves of one of the 2 U.S.C. § 434(a)(5) "safe harbor" options such as certified or registered mail, Priority or Express Mail with delivery confirmation, or overnight delivery service with an on-line tracking system and scheduled for next business day delivery. Doing so would have resulted in the report being considered filed on the postmark date. Instead, the respondents sent the report by first class mail. As a result, the report is considered filed on the day it was received, October 22.

The challenge fails to prove that the respondents were prevented from filing timely due to reasonably unforeseen circumstances beyond their control. Therefore, the respondents do not meet the first part of the test and their "best efforts" defense does not succeed.

Finally, Counsel suggests that the filing date for the 12 Day Pre-General Report, which was sent by overnight mail on October 20, may have been mixed up with the filing date for the October Quarterly Report, given the length of time it took the October Quarterly Report to arrive. Commission records indicate that the October Quarterly Report, sent via first class mail, was received on October 22. Commission records concur with the challenge in that the respondents' 12 Day Pre-General Report was mailed on October 20, via Express Mail, and received on October 21. Commission records, therefore, correctly reflect the date of receipt for the respective reports.

Their challenge fails to address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$220.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2204 involving Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2204 that Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$220; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

#### **Attachments**

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Declaration from RAD
- Attachment 3 – Declaration from OAR



**DECLARATION OF DAYNA C. BROWN**

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 October Quarterly Report is due October 15, 2010. If sent by first class mail, it must be received by October 15 to be timely filed.
3. It is the practice of the Commission's Mail Room to date stamp each report as it is received and the Commission's Public Disclosure Division to complete an Envelope Replacement Page disclosing the method used to file the report.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - (a) Page 1 of the Statement of Organization filed by Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer. According to the Commission's records, the document is dated January 18, 2007, was received January 24, 2007, and lists "gepactreasurer@gianteagle.com" as the Committee's email address;
  - (b) Summary and Envelope Replacement Pages for the 2010 October Quarterly Report filed via first class mail by Giant Eagle Inc., PAC and Mark J. Minnaugh, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from July 1 through September 30, 2010 and was received October 22, 2010; and
  - (c) Summary and Envelope Replacement Pages for the 2010 12 Day Pre-General Report filed via USPS Express Mail by Giant Eagle Inc., PAC and Richard A. Russell, Assistant Treasurer. According to the Commission's records, the report covers the period from October 1 through October 13, 2010, was sent October 20 and was received October 21, 2010.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 17<sup>th</sup> of March, 2011.



Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

11092654576

FEC  
FORM 1

# STATEMENT OF ORGANIZATION

RECEIVED  
FEDERAL  
REGISTRATION CENTER

2007 JAN 24 AM 8:43

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

GIANT EAGLE, INC. PAC

ADDRESS (number and street)

101 KAPPA DRIVE

RIDC PARK

(Check if address is changed)

PITTSBURGH

PA

15238

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

gepactreasurer@giant eagle.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

COMMITTEE'S FAX NUMBER

412 - 968 - 1510

2. DATE 06 / 20 / 2006

3. FEC IDENTIFICATION NUMBER ► C 2006367

4. IS THIS STATEMENT NEW (N) OR X AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Mark J. Minnaugh

Signature of Treasurer



Date

01 / 18 / 2007

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office  
Use  
Only

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100

FEC FORM 1  
(Revised 02/2003)

FESAN042

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27039350615

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2010 OCT 22 AM 7:35

FEC MAIL CENTER

**FEC  
FORM 3X**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type  
over the lines.

12FE4M5

GIANT EAGLE, INC. PAC

ADDRESS (number and street)

101 KAPPA DRIVE

RIDC PARK



Check if different  
than previously  
reported. (ACC)

PITTSBURGH

PA

15238

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C 2006367

3. IS THIS  
REPORT



NEW  
(N)

OR



AMENDED  
(A)

4. TYPE OF REPORT  
(Choose One)

(a) Quarterly Reports:



April 15  
Quarterly Report (Q1)



July 15  
Quarterly Report (Q2)



October 15  
Quarterly Report (Q3)



January 31  
Year-End Report (YE)



July 31 Mid-Year  
Report (Non-election  
Year Only) (MY)



Termination Report  
(TER)

(b) Monthly  
Report  
Due On:



Feb 20 (M2)



May 20 (M5)



Aug 20 (M8)



Nov 20 (M11)  
(Non-Election  
Year Only)



Mar 20 (M3)



Jun 20 (M6)



Sep 20 (M9)



Dec 20 (M12)  
(Non-Election  
Year Only)



Apr 20 (M4)



Jul 20 (M7)



Oct 20 (M10)



Jan 31 (YE)

(c) 12-Day  
PRE-Election  
Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_/\_\_\_\_/\_\_\_\_

In the  
State of

\_\_\_\_

(d) 30-Day  
POST-Election  
Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_/\_\_\_\_/\_\_\_\_

In the  
State of

\_\_\_\_

5. Covering Period

07

01

2010

through

09

30

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Mark J. Minnaugh

Signature of Treasurer

*Mark J. Minnaugh*

Date

10

11

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office Use Only							
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**FEC FORM 3X**  
Rev. 12/2004

FESAND08

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10030470953

Federal Election Commission  
**ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS**  
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<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input checked="" type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
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<i>Ed</i> PREPARER (3/2005)	<i>10/22/10</i> DATE PREPARED

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Federal Election Commission  
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<input checked="" type="checkbox"/> USPS Express Mail	Postmarked 10/20/10
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
 PREPARER	10/21/10 DATE PREPARED

(3/2005)

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10030470354



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 18, 2011

Darlene M. Nowak, Esquire  
Marcus & Shapira LLP  
301 Grant Street  
One Oxford Centre, 35<sup>th</sup> Floor  
Pittsburgh, PA 15219

C00426072  
AF# 2204

Dear Ms. Nowak:

On December 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$220 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

Attachment

11062654582



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2011 APR -7 P 4: 28

April 7, 2011

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer  
Acting Staff Director *AP*

From: Patricia Carmann *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2204 – Giant Eagle, Inc.  
PAC and Mark J. Minnaugh, in his official capacity as Treasurer  
(C00426072)

On December 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report and also made a preliminary determination that the civil money penalty was \$220 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 19, 2011, the Office of Administrative Review received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated March 16, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$220 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

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**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2204 involving Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2204 that Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$220; and
- (3) Send the appropriate letter.

11092654584

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation - ) AF 2204  
Giant Eagle, Inc. PAC and Mark J. )  
Minnaugh, in his official capacity as )  
Treasurer (C00426072) )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 20, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF #2204:

1. Adopt the Reviewing Officer recommendation for AF# 2204 involving Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2204 that Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$220.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 21, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 3, 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Darlene M. Nowak, Esquire  
Giant Eagle, Inc. PAC  
One Oxford Centre, 35<sup>th</sup> Floor  
Pittsburgh, PA 15219

C00426072  
AF# 2204

Dear Ms. Nowak:

On December 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Giant Eagle, Inc. PAC and Mark J. Minnaugh, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. By letter dated December 21, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$220 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 19, 2011, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Giant Eagle Inc., PAC and Mark J. Minnaugh, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$220 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 18, 2011.

On April 20, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Giant Eagle Inc., PAC and Mark J. Minnaugh, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$220. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

**If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

**If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair

Attachment

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## ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$220 for the 2010 October Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

### PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

-----

FOR: Giant Eagle, Inc. PAC

FEC ID#: C00426072

AF#: 2204

PAYMENT AMOUNT DUE: \$220

FOR: Giant Eagle, Inc. PAC

FEC ID#: C00426072

AF#: 2204

PAYMENT AMOUNT DUE: \$220

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 006 \$ 0000022000 BA# 1 05-13-11 20 3



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**usbancorp.**  
The Sun Belt Community Bank

GEPAC 101 KAPPA DRIVE 1000 PARK PITTSBURGH, PA 15226 412-923-2200		1107
PAY TO THE ORDER OF	Federal Election Commission	\$1220.00
Two Hundred and Twenty Dollars and 00/100		
Citizens Bank Pittsburgh	DATE 5/9/11	
FOR FILING TO C00426072 AF# 2204		



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2204

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR CHN

11092654590